

### **REMARKS**

Before this Amendment, claims 1-5, 8-15, and 17-23 stand allowed, and claims 6, 7, and 16 were cancelled. In the present Amendment, Applicant respectfully requests cancellation of allowed claims 9-15, 17-21 and 23 in an Amendment after the Notice of Allowance pursuant to 37 CFR § 1.312. *See* MPEP §§ 714.16(d); 1302.04. After the cancellation of claims 9-15, 17-21 and 23, claims 1-5, claim 8, and claim 22 will remain standing in a state of allowance in the instant application. Notably, Applicant has shown above that claim 8 is currently amended to rectify both improper dependency and improper antecedent basis. This same amendment to claim 8 was made by Supplemental Amendment After Final on February 28, 2008, but Applicant repeats it here to ensure it is entered.

Applicant recognizes that entry of an amendment after a Notice of Allowance is at the discretion of the Office. *See*, generally, 37 CFR §1.312. The present Amendment is timely as it is filed before the date the issue fee will be paid. *See* MPEP § 714.16. Applicant respectfully suggests that Examiner has authority to enter an amendment merely cancelling claims from an application. *See* MPEP §§ 714.16; 1302.04. Accordingly, Applicant respectfully requests that the Examiner exercise his discretion to enter the present Amendment to cancel allowed claims 9-15, 17-21 and 23.

### **Reservation of Rights**

Applicant has canceled claims allowed claims 9-15, 17-21 and 23 from further consideration in this application. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Examiner, as Applicant agrees with the Examiner that such claims are patentable subject matter. *See* Notice of Allowance of February 11, 2008. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

## CONCLUSION

In the present Amendment, Applicant canceled allowed claims 9-15, 17-21 and 23 in an Amendment after Notice of Allowance pursuant to 37 CFR § 1.312. Applicant respectfully requests that the Examiner exercise discretion to enter the present Amendment and cancel allowed claims 9-15, 17-21 and 23, leaving allowed claims 1-5, 8, and 22 remaining in state of allowance in this application. Based on the foregoing amendments and remarks, Applicant respectfully submits that the instant application is still in condition for allowance per the February 11, 2008 Notice of Allowance.

If the Examiner has any questions, comments, or suggestions, the undersigned attorney invites the Office to freely reach Applicant's attorney using the contact information found in his signature block below.

No fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 09-0447 for any such required fee.

Respectfully submitted,

Date: April 4, 2008

/Erik J. Osterrieder/  
Erik J. Osterrieder  
Reg. No. 48,966  
Schubert Osterrieder & Nickelson PLLC  
6013 Cannon Mtn. Dr., S14  
Austin, TX 78749  
Tel: (713) 533-0494  
Fax: (512) 301-7301  
E-mail: [ejo@sonlaw.com](mailto:ejo@sonlaw.com)  
ATTORNEY FOR APPLICANT/ASSIGNEE